

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : To be determined Confirmation No.
Orig Pat No. 6,369,116
Applicant : WONG et al.
Filed : Herewith
Title : COMPOSITION AND METHOD FOR TREATING GLAUCOMA

TC/A.U. : NA
Examiner : NA

Docket No. : D-3136 CON1 CIPRE
Customer No. : 33197

Mail Stop REISSUE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**OFFER TO SURRENDER PATENT AND CONSENT OF ASSIGNEE TO FILING OF
REISSUE APPLICATION AND STATEMENT UNDER 37 C.F.R. 3.73(b)**

Dear Sir:

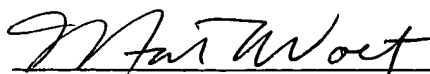
Allergan, Inc., a Delaware Corporation, is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,369,116, as evidenced by an assignment from Oculex Pharmaceuticals, Inc. (hereinafter Oculex) to Allergan, Inc. A copy of the assignment is enclosed herewith as Exhibit A. The original of the enclosed assignment was submitted to the United States Patent and Trademark Office on January 8, 2004.

Oculex is identified as the original assignee of record of U.S. Patent No. 6,369,116 as evidenced by the assignment from Vernon Wong and Lin Peng to Oculex recorded in the United States Patent and Trademark Office on March 22, 1999 at Reel 9849, Frame 0520.

This U.S. Patent No. 6,369,116 issued on April 9, 2002 for COMPOSITION AND METHOD FOR TREATING GLAUCOMA, and names Vernon Wong and Lin Peng as the inventors thereof. Allergan, Inc. hereby offers to surrender said patent in accordance with 37 C.F.R. 1.178, and hereby consents to the filing of the accompanying reissue application based upon U.S. Patent No. 6,369,116.

Executed this 2nd day of April, 2004.

Allergan, Inc.



Martin A. Voet

By:

Title: Assistant Secretary

EXHIBIT A

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

To: The Commissioner of Patents and Trademarks,

Please record the attached original document(s) or copy(ies):

1. Submission Type:

☒ new☐ Correction of PTO error (Reel /frame)☐ Corrective Document (Reel /frame)

2. Conveyance Type:

☒ Assignment☐ License☐ Merger☐ Security Agreement☐ Change of Name☐ Other: _____

3.

CONVEYING PARTIES	
Names of Conveying Parties	Date of Conveyance
1. Oculex Pharmaceuticals, Inc.	December 18, 2003
2.	
3.	

☐ Additional Conveying Parties Attached

4.

RECEIVING PARTIES	
Names of Receiving Parties	
Name Allergan, Inc.	
Address 1 2525 Dupont Drive	
Address 2 Irvine, CA 92612	

☐ Additional Receiving Parties Attached☐ If document is an assignment and the Receiving Party is not domiciled in the United States, an appointment of a Domestic Representative is attached.

5.

DOMESTIC REPRESENTATIVE NAME AND ADDRESS	
Name	Martin A. Voet, Assistant Secretary
Address 1	Allergan, Inc.
Address 2	2525 Dupont Drive, Irvine, CA 92612

6.

CORRESPONDENCE NAME AND ADDRESS	
Name	Stephen Donovan (T2-7H)
Address 1	Allergan, Inc.
Address 2	2525 Dupont Drive, Irvine, CA 92612
Telephone	714-246-4026 and Fax 714-246-4249

7. Total Number of pages of the conveying document, including attachments: 3 pages

8.

APPLICATION NUMBER OR PATENT NUMBER (either; not both for same property)	
Application Number	Patent Number See attached Appendix "A"
Application Number	Patent Number

9. If this document is being filed with a NEW patent application, enter the Docket No., Title of the Invention, and date of execution of the Assignment by the first inventor:

Title of Patent Application: _____
Docket No.: _____
Date of Execution by First Inventor: _____

10. Total Number of Properties Involved: 11

11. The fee amount (37 CFR §3.41) of \$440.00

☒ may be debited from our Deposit Account No. 01-0885.
☐ is enclosed as check no. _____

12. ☒ The Commissioner is authorized to deduct any additional fee amounts due in connection with the filing of this document from Deposit Account No. 01-0885.

To the best of my information and belief, all statements made herein are true, and any attached copy is a true copy of the original document.

Respectfully submitted,

SIGNATURE Stephen Donovan Date: 01 / 07 / 2004
TYPED or PRINTED NAME Stephen Donovan REGISTRATION NO. 33,433

CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP ASSIGNMENT, COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON January 7, 2004 (Date)
Name of person making deposit: Mary Lou McNew
Signature: [Signature] Date: Jan. 9 2004

ASSIGNMENT OF ISSUED U.S. PATENTS


WHEREAS: ALLERGAN, INC., a Delaware corporation, having its principal place of business at 2525 Dupont Drive, Irvine, California 92612 (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire right, title and interest in, to and under certain inventions and in, to and under corresponding Letters Patent obtained in the United States.

WHEREAS: OCULEX PHARMACEUTICALS, INC., a California corporation, having its principal place of business at 601 W. California Street, Sunnyvale, CA 94086 (hereinafter ASSIGNOR) owns the entire right, title and interest in, to and under all the inventions listed on the attached Appendix "A", corresponding U.S. patent applications and foreign rights directed thereto.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by ASSIGNEE TO ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire right, title and interest in, to and under certain inventions and corresponding United States Letters Patents set forth in Appendix "A" and any continuation, divisional, renewal, substitute or reissue thereof for the full term or terms for which the same may be granted; said sale, transfer and assignment effective November 20, 2003. ASSIGNOR further sells, transfers and assigns to ASSIGNEE the right to recover past damages for infringing one or more of such patents, such damages having accrued while one or more of such patents was owned by ASSIGNOR; said sale, transfer and assignment effective November 20, 2003.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal
this 18 day of December 2003.

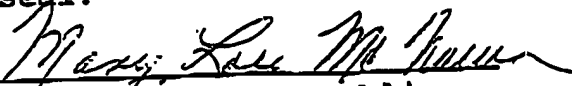
OCULEX PHARMACEUTICALS, INC.

By: 
Matthew J. Maletta
Assistant Secretary

State of CALIFORNIA)
(ss.
County of ORANGE)

On December 18, 2003, before me, Mary Lou McNown,
notary public, personally appeared MATTHEW J. MALETTA
personally known to me to be the person whose name is
subscribed to the within instrument and acknowledged to me
that he executed the same in his authorized capacity, and
that by his signature on the instrument the person, or the
entity upon behalf of which the person acted, executed the
instrument.

WITNESS my hand and official seal.


Signature of Notary Public



APPENDIX "A"

<u>PATENT NUMBER</u>	<u>INVENTORS</u>	<u>ALLERGAN NO.</u>
4,853,224	Vernon G. Wong	17648
4,997,652	Vernon G. Wong	17648-CIP
5,164,188	Vernon G. Wong	17649
5,443,505	Vernon G. Wong and Frank Kochinke	17650
5,766,242	Vernon G. Wong and Frank Kochinke	17650-CON2
5,824,072	Vernon G. Wong	17650-CON3
5,632,984	Vernon G. Wong; King Y. Lee and Jerry B. Gin	17651
5,869,079	Vernon G. Wong; Frank Kochinke	17652
6,331,313	Vernon G. Wong; Mae W. L. Hu; Donald E. Berger, Jr.	17653
6,369,116	Vernon G. Wong; and Lin Peng	17654 — ✓ 17652-CON-CIP
5,006,310	Schirmer Tear Test	17655

Page 2 of 2

5.

DOMESTIC REPRESENTATIVE NAME AND ADDRESS

Name Martin A. Voet, Assistant Secretary

Address 1 Allergan, Inc.

Address 2 2525 Dupont Drive, Irvine, CA 92612

6.

CORRESPONDENCE NAME AND ADDRESS

Name Stephen Donovan (T2-7H)

Address 1 Allergan, Inc.

Address 2 2525 Dupont Drive, Irvine, CA 92612

Telephone 714-246-4026 and Fax 714-246-4249

7. Total Number of pages of the conveying document, including attachments: 3 pages

8.

APPLICATION NUMBER OR PATENT NUMBER (either; not both for same property)

Application Number See attached Appendix "A"

Patent Number

Application Number

Patent Number

9. If this document is being filed with a NEW patent application, enter the Docket No., Title of the Invention, and date of execution of the Assignment by the first inventor:

Title of Patent Application: _____

Docket No.: _____

Date of Execution by First Inventor: _____

10. Total Number of Properties Involved: 1011. The fee amount (37 CFR §3.41) of \$400.00☒ may be debited from our Deposit Account No. 01-0885.
☐ is enclosed as check no. _____12. ☒ The Commissioner is authorized to deduct any additional fee amounts due in connection with the filing of this document from Deposit Account No. 01-0885.

To the best of my information and belief, all statements made herein are true, and any attached copy is a true copy of the original document.

Respectfully submitted,

SIGNATURE



Date: 01 / 07 / 2004

TYPED or PRINTED NAME:

Stephen Donovan

REGISTRATION NO. 33,433

CERTIFICATE OF MAILINGI HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP ASSIGNMENT, COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON January 9, 2004 (Date)

Name of person making deposit: Mary Lou McNown

Signature:  Date: 1/9/2004

ASSIGNMENT

WHEREAS: ALLERGAN, INC., a Delaware corporation, having its principal place of business at 2525 Dupont Drive, Irvine, California 92612 (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire right, title and interest in, to and under certain inventions and in, to and under corresponding Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

WHEREAS: OCULEX PHARMACEUTICALS, INC., a California corporation, having its principal place of business at 601 W. California Street, Sunnyvale, CA 94086 (hereinafter ASSIGNOR) owns the entire right, title and interest in, to and under certain inventions, corresponding U.S. patent applications and foreign rights directed thereto.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by ASSIGNEE TO ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire right, title and interest in, to and under certain inventions in the United States and its territorial possessions and in all foreign countries to all Letters Patents or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for certain inventions by certain applications set forth in Appendix "A" and any continuation, divisional, renewal, substitute or reissue thereof for the full term or terms for which the same may be granted; said sale, transfer and assignment effective November 20, 2003.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this 20th day of November 2003.

OCULEX PHARMACEUTICALS, INC.

By: 

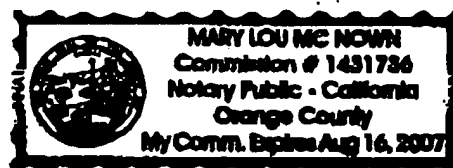
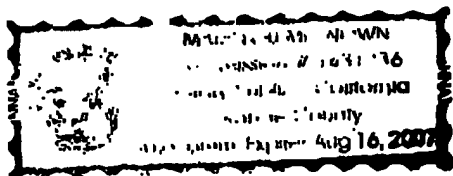
Matthew W. Maletta
Assistant Secretary

State of CALIFORNIA)
(ss.
County of ORANGE)

On December 18, 2003, before me, Mary Lou McNown, notary public, personally appeared MATTHEW J. MALETTA personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Mary Lou McNown
Signature of Notary Public



APPENDIX "A"

<u>SERIAL NUMBER</u>	<u>TITLE</u>	<u>ALLERGAN NO.</u>
09/160,635	Formulation for Controlled Release of Drugs by Combining Hydrophilic and Hydrophobic Agents	17652-CON
10/327,018	Improved Formulation for Controlled Release of Drugs by Combining Hydrophilic and Hydrophobic Agents	17652-CON2
09/693,008	Methods for Treating Inflammation-Mediated Conditions of the Eye	17656
10/671,816	Methods for Treating Inflammation-Mediated Conditions of the Eye	17656-CON
09/997,094	Methods for Reducing or Preventing Transplant Rejection in the Eye and Intraocular Implants for Use Therefor	17657
10/246,884	Methods and Apparatus for Delivery of Ocular Implants	17658
10/666,872	Methods and Apparatus for Delivery of Ocular Implants	17658-CIP
10/340,237	Biodegradable Ocular Implant	17659
60/486,690	Method and Apparatus for Delivery of Ocular Implants	17663-PROV
60/495,570	Method and Apparatus for Delivery of Ocular Implants	17663-PROV2